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16 UNITED STATES DISTRICT COURT
17 FOR THE NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

19 ASSOCIATION OF IRRITATED
20 RESIDENTS, an unincorporated association,
and NATURAL RESOURCES DEFENSE
21 COUNCIL, INC.,

22 Plaintiffs,

23 v.

24 UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, STEPHEN L.
JOHNSON, in his official capacity as
25 Administrator of the United States
Environmental Protection Agency, and
WAYNE NASTRI, in his official capacity as
26 Regional Administrator for Region IX of the
United States Environmental Protection
27 Agency,
28

Defendants.

Civil Case No. C 08-00227 SC

**STIPULATION TO THE ENTRY OF
AN ORDER EXTENDING TIME TO
CONTINUE INITIAL DISCOVERY
AND CASE MANAGEMENT
CONFERENCE**

1 WHEREAS, on January 14, 2008, the Association of Irritated Residents and the Natural
2 Resources Defense Council, Inc., (collectively, "Plaintiffs") filed the complaint in the above-
3 captioned matter against the United States Environmental Protection Agency; Stephen L.
4 Johnson, in his official capacity as Administrator of the United States Environmental Protection
5 Agency; and Wayne Nastri, in his official capacity as Administrator for Region IX of the United
6 States Environmental Protection Agency (collectively, "EPA" or "Defendants"), alleging that
7 EPA has failed to undertake certain nondiscretionary duties under section 304(a)(2) of the Clean
8 Air Act, 42 U.S.C. § 7604(a)(2);

9 WHEREAS, Plaintiffs and EPA currently have a settlement in principle, the agreement
10 for which the parties intend to be entered through a Consent Decree;

11 WHEREAS, Plaintiffs and EPA believe they will need approximately 30 days from
12 today's date to lodge a proposed Consent Decree with this Court, which must first be approved
13 by authorized officials at the U.S. Department of Justice and EPA, a process that can take several
14 weeks;

15 WHEREAS, Plaintiffs and EPA agree and acknowledge that at least 30 days before any
16 final settlement of this matter is reached and/or entered by the Court, EPA must provide notice of
17 such settlement in the Federal Register and an opportunity for public comment pursuant to
18 section 113(g) of the Clean Air Act, 42 U.S.C. § 7413(g);

19 WHEREAS, Plaintiffs and EPA previously stipulated to a continuance, however, in light
20 of the settlement in principle, Plaintiffs and EPA seek to conserve litigant and Court resources
21 and believe that the requested extensions below will not adversely affect the schedule or
22 resolution of this case;

23 NOW THEREFORE, pursuant to Local Rules 6-2 and 7-12, the parties, by and through
24 their undersigned counsel, hereby stipulate to the entry of an order that:

25 1. Continues the parties' deadline to meet and confer regarding initial disclosures,
26 early settlement, ADR process selection and certification, and discovery planning from May 23,
27 2008 to July 11, 2008;

2. Continues the parties' deadline to file initial disclosures, a Case Management Statement, and a Rule 26(f) Report from June 6, 2008 to July 25, 2008;

3. Continues the initial case management conference from June 13, 2008 to August 1, 2008.

COUNSEL FOR PLAINTIFFS:

Dated: _____

/s/

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*Counsel for Plaintiff Center On Race, Poverty &
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Dated:

/s/

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Counsel for Natural Resources Defense Council

COUNSEL FOR DEFENDANTS:

Dated: _____

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Assistant Attorney General
Environment & Natural Resources Division

/s/
ROCHELLE L. RUSSELL
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Counsel for Defendants

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**
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Dated: _____

4 U.S. District Court Judge
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